IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5563 of 2007()

CMP.3927/2007 of J.M.F.C.,KASARAGOD
[CR NO.49/07 OF KASARAGOD EXCISE RANGE]

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PETITIONER/ACCUSED

VASANTHAN
S/O.DAKOJI RAO,
KELUGUDDE HOUSE
KUDLU VILLAGE

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE RANGE OFFICER
EXCISE RANGE,
KASARAGODE

2. STATE, REP: BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007 ALONG WITH BA NO.5564/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.5563 & 5564 of 2007

Dated this the 17th day of September 2007

O R D E R

These application are for regular bail. The petitioner in two separate crimes faces allegations under the Kerala Abkari Act. The incident in one case took place on 1/7/2007. The incident in the other case took place on 14/8/2007. On these two different occasions, he was allegedly found to be in possession of 6x2000x100 ml and 1500x100 ml of arrack in packets. Earlier applications filed by the petitioner were dismissed by this court. The petitioner who was arrested in the later incident remains in custody from 14/8/2007.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is prayed that the petitioner may now be enlarged on bail subject to appropriate conditions.

3. The learned Public Prosecutor opposes the application. The allegations are serious. The petitioner has criminal antecedents. He had already faced allegations in three

other crimes. Investigation is not complete. The petitioner may not, in these circumstances, be enlarged on bail now, submits the learned Public Prosecutor.

4. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that these petitions deserve to be dismissed now.

5. In the result, these petitions are dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court for bail at later stage of the investigation, not at any rate, prior to 01/10/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007